

the commission Cuba, China and Sudan. Cuba is run by a dictator who has no regard to human rights and imprisons people at his will. China oppresses religious freedom and detains individuals without due process. And, the government of Sudan has killed 2 million Christians over the past few years. Sudan also still engages in slavery. Those who are arguing that the United States should sign up to a treaty that allows these nation's to put American citizens and service members on trial, are putting these brave men and women in jeopardy.

The United Nations conference ignored U.S. objections and endorsed a plan for establishing a permanent international criminal court. The American representatives at the negotiations on this treaty, under pressure from the Republicans in Congress, sought to obtain a guarantee that U.S. military service personnel and agents could never be held liable to this court. This was rejected. This represents a dangerous potential for usurping national autonomy, and I will continue to work to see that this proposal is fully rejected. Our Founding Fathers warned us about foreign entanglements. Certainly, ceding national autonomy falls into this category.

I will continue to oppose any effort to permit the U.S. to join this "court." I am pleased that President Bush has expressed his objections, and the U.S. Senate has made it clear that it would reject this treaty. Mr. DELAY's amendment will be an important step in stopping this problematic agreement.

Ms. MCCOLLUM. Mr. Chairman, I rise today to oppose the Delay amendment to H.R. 1646.

The International Criminal Court (ICC) will be a permanent court to try individuals, not countries, for the most serious crimes of concern to the international community. These would be heinous crimes such as genocide and widespread systematic torture and rape.

The horrendous crimes in Bosnia, Rwanda, Sierra Leon, Kosovo and far too many other countries have awakened the international community to the need to punish the criminals responsible for inhuman acts of violence. The same concerns that led to the trials at Nuremberg and Tokyo, the creation of ad hoc tribunals for the Former Yugoslavia and Rwanda, and the existence of established international criminal law have made the ICC more feasible now.

The Court will hear a case only when no national court is available or willing to hear it. In the case of the United States, our courts would decide whether to try a case or submit it to the ICC. In theory the ICC could try Americans. However, the ICC would only intervene when the U.S. chooses to relinquish its right to try a case. In practical terms, it is highly unlikely that the American judicial system would be unwilling or unavailable to try a case.

Also, it is important to remember that Americans arrested abroad for committing a crime are already subject to prosecution by other countries. In the highly unlikely event of an American being arrested abroad for war crimes, in many cases a trial in the ICC would be fairer and the country might well agree to turn the accused over to the ICC.

The U.S. Government has taken great pains to require that the accused receive a fair trial and be accorded the due process of law. The draft statute defines the rights of the accused in accordance with the rights guaranteed in the International Covenant on Civil and Polit-

ical Rights and the Declaration of Human Rights. They include the presumption of innocence, the right to counsel, the right to confront one's accusers, and the right to a speedy trial.

I support the U.S. participation in the ICC as well as all efforts that seeks justice for the victims of genocide, torture, rape and systematic violence against civilian men, women and children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 107-62.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HYDE:

Page 76, after line 12, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(a) ADDITIONAL RESTRICTION ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS AND USE OF SECRET BALLOTS.—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be appropriated by section 911(a)(3) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that—

(1) the United States has obtained full membership on the United Nations Commission on Human Rights for a term commencing after May 3, 2001; and

(2)(A) neither the United Nations nor any specialized agency of the United Nations takes any action or exercises any authority by any vote of the membership of the body by a secret ballot which prevents the identification of each vote with the member casting the ballot; or

(B) a detailed analysis of voting within the United Nations and specialized agencies of the United Nations has demonstrated to the satisfaction of the Secretary of State that the use of secret ballots can serve the interests of the United States and that analysis has been transmitted to the appropriate congressional committees.

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time on this amendment to the gentleman from California (Mr. LANTOS) and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment requires that the final tranche of arrearage payments to the United Nations and other designated agencies be contingent upon a certification by the Secretary of State that the United States has regained its seat on the United Nations Commission on Human Rights.

I urge support for this amendment that expresses our strongest possible concern over the vote on May 4 by the 53 members of the U.N. Economic and Social Council to remove the U.S. from its seat on the Human Rights Commission, a seat I might add that we have held continuously since the Commission's inception in 1947.

Let there be no mistake about the message being sent to the U.S. with this unprecedented action to remove our strong and uncompromising voice from the proceedings of this body. This is a deliberate attempt to punish the United States for its insistence that we tell the truth about human rights abuses, wherever they occur; including in those countries represented on the Commission such as China and Cuba.

The U.N. Secretary General, Kofi Annan, spoke for many other member states when he noted in a statement in the aftermath of this vote that the United States has played a leading role over the years in drafting landmark documents, such as the Universal Declaration of Human Rights, and has been a key member of the Commission. The U.S. made a major contribution to the work of the United Nations in the field of human rights.

In response to this inexplicable and inexcusable decision, it is appropriate that the U.S. send its own message to U.N. member states, and particularly the members of the western European group. If allowed to stand, this decision threatens to turn the Human Rights Commission into just one more irrelevant international organization.

If our voice is stilled, other countries will have even greater difficulty in speaking openly and plainly about rampant human rights abuses around the world.

The adoption of this amendment will assist the administration in its efforts to take whatever steps are necessary over the next year to restore our voice and vote in this body.

To those critics who say we are overreaching and overreacting, I would argue that to do anything less would be a repudiation of our own values and principles of freedom, democracy, and respect for human rights enshrined in the U.N. Charter and in our own Constitution.

I urge the adoption of this amendment, and I am so pleased to share its authorship with the distinguished gentleman from California (Mr. LANTOS).

Mr. Chairman, I reserve the balance of my time.